

§ 252.1

Stat. 743, 760, 766, 771, 49 U.S.C. 1324, 1374, 1377, 1386.

SOURCE: 55 FR 4993, Feb. 13, 1990, unless otherwise noted.

CROSS REFERENCE: For smoking rules of the Federal Aviation Administration, see 14 CFR 121.317(c), 121.571(a)(1)(i), 129.29, 135.117(a)(1), and 135.127(a).

§ 252.1 Purpose.

This part implements a ban on smoking of tobacco on flight segments between most U.S. points as required by section 335 of Public Law 101-164. It also continues smoking restrictions on other flights. Nothing in this regulation shall be deemed to require U.S. or foreign air carriers to permit the smoking of tobacco aboard aircraft.

§ 252.3 Applicability.

Section 252.5 applies to scheduled-service flight segments operated by U.S. and foreign direct air carriers between the U.S. points specified in that section. The remainder of this part applies to all operations of U.S. direct air carriers, except on-demand services of air taxi operators.

§ 252.5 Smoking ban on U.S. segments.

U.S. and foreign direct air carriers shall prohibit smoking in the passenger cabin and lavatories on any nonstop flight segment that is listed in the current *Official Airline Guide*, or is part of a longer flight that is listed in that publication, and that is:

(a) Between any two points within an area composed of Puerto Rico, the U.S. Virgin Islands, the District of Columbia, and the 48 contiguous states of the United States;

(b) Between any two points within the State of Alaska or within the State of Hawaii; or

(c) Scheduled in the current *Official Airline Guide* to be six hours or less in duration and that is:

(1) Between any point in paragraph (a) of this section and any point in Alaska or Hawaii; or

(2) Between any point in Alaska and any point in Hawaii.

§ 252.7 No-smoking sections.

(a) Except as provided in paragraph (b) of this section, U.S. air carriers operating nonstop flight segments to

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which §§ 252.5 and 252.13 do not apply shall provide, at a minimum:

(1) A no-smoking section for each class of service;

(2) A sufficient number of seats in each no-smoking section to accommodate all persons in that class of service who wish to be seated there;

(3) Expansion of no-smoking sections to meet passenger demand; and

(4) Special provisions to ensure that if a no-smoking section is placed between smoking sections, the non-smoking passengers are not unreasonably burdened.

(b) On flights for which passengers may make confirmed reservations and on which seats are assigned before boarding, a U.S. air carrier need not provide a seat in a no-smoking section to a passenger who has not met the carrier's requirements as to time and method of obtaining a seat on the flight, or who does not have a confirmed reservation. If a seat is available in the established no-smoking section, however, a U.S. air carrier shall seat there any enplaning passenger who so requests, regardless of boarding time or reservation status.

§ 252.9 Ventilation systems.

U.S. air carriers shall prohibit smoking whenever the ventilation system is not fully functioning. Fully functioning for this purpose means operating so as to provide the level and quality of ventilation specified and designed by the manufacturer for the number of persons currently in the passenger compartment.

§ 252.11 Aircraft on the ground.

U.S. air carriers shall prohibit smoking whenever the aircraft is on the ground.

§ 252.13 Small aircraft.

U.S. air carriers shall prohibit smoking on aircraft designed to have a passenger capacity of less than 30 seats.

NOTE.—This section, like the rest of this part, does not apply to on-demand services of air taxi operators; see § 252.3 in this part.

§ 252.15 Cigars and pipes.

U.S. air carriers shall prohibit the smoking of cigars and pipes aboard aircraft.